IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and
HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO:2952 of 2005

Between:

Chappidi Venkateswara Nana Rao, S/o Veerabhadra Rao, Hindu,
R/o Flat No. 48. Near Vinayak Temple, Sector-6, M.V.P. Colony,
Visakhapatnam-70. ..... PETITIONER

AND

1 The Secretary to Government, Legislative Affairs & Justice,

Law Department, Government of Andhra Pradesh, Secretariat,

Hyderabad.
2 The Registrar, Vigilance, Andhra Pradesh High Court, Hyderabad.
3 The Registrar, Administration, High Court of Andhra Pradesh,

Hyderabad.
4 The District Judge, Ongole, Prakasam District. ....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to

issue a writ, order or direction more particularly one in the nature of Mandamus, declaring the inaction of the respondents and; a) to declare the proceedings of the 1st respondent vide G.O.Ms.No.97,
dt. 1-6-1998 as illegal, arbitrary and contrary of the condition laid down in the order by not paying one month salary in view of notice and set aside the same by directing the respondents to reinstate the petitioner; b) to declare the action of the respondents in not paying the arrears of salary and also the interim relief which he is legally entitled and consequently direct the respondents to pay the arrears of salary and the interim relief to the petitioner as per the G.Os and pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.G.TUHIN KUMAR

Counsel for the Respondent No.1: GP FOR LAW & LEGISLATIVE AFFAIRS

Counsel for the Respondent Nos.2 to 4: Smt.M.Bhaskara Lakshmi, Standing Counsel for A.P.High Court.

The Court at the stage of admission made the following :

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ORAL ORDER: (Per Hon'ble the Chief Justice)

Petitioner has sought direction to declare G.O.Ms.No.97 Law (L.A. & J – COURTS-C) Department dated 01st June, 1998 as illegal and arbitrary, and to direct the respondents to pay arrears of salary and also to grant interim relief.

Petitioner was recruited in Andhra Pradesh Judicial Service as District Munsif

by direct recruitment through Andhra Pradesh Public Service Commission, and his selection was approved. According to the petitioner, he had joined Andhra Pradesh Judicial Academy on

01st June, 1995, and had applied for posting orders through respondent No.4 and claims to have handed over his representation for posting orders on 22nd December, 1997, which was not given, and ultimately on

31st January, 1998, an order was passed terminating the services of petitioner as Judicial Officer. The said order was challenged by the writ petitioner by filing W.P.No.20078 of 1998, the writ petition was heard and was dismissed on merits on 18-8-1998. Against the said order, S.L.P. was filed, which was dismissed by the Supreme Court on

07th December, 1998. Now after a period of almost seven years, the petitioner has woken up and sought further relief, which relief pertains to the alleged claim for the period prior to 1st June, 1998 as if he was in service and settle the dues. All such claims in case petitioner wanted to make were available to him, and ought to have been made subject-matter of W.P.No.20078 of 1998. Having not done so, there is no ground to entertain the writ petition now after a period of seven years when his writ petition itself was dismissed on 18th August, 1998.

Writ Petition is therefore dismissed. While dismissing the writ petition, we leave it open to the petitioner to approach the High Court on administrative side for interim relief, if any, admissible to the petitioner for the period during which he worked, if he is otherwise eligible. Petitioner may submit a representation within a period of one month, which, if filed, will be decided within a period of three months thereafter.

DEVINDER GUPTA, C.J.

B.SESHASAYANA REDDY, J.

2ND March, 2005

LUR/BSC

Copy to:

1 The Secretary to Government, Legislative Affairs & Justice,

Law Department, Government of Andhra Pradesh, Secretariat,

Hyderabad.
2 The Registrar, Vigilance, Andhra Pradesh High Court, Hyderabad.
3 The Registrar, Administration, High Court of Andhra Pradesh,

Hyderabad.
4 The District Judge, Ongole, Prakasam District.

5. Two CCS to the G.P. for Law and Legislative Affairs,

High Court Buildings, High Court of A.P., Hyderabad (O.U.T)

6. Two CD copies.